IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.MC.No. 105 of 2007()

CC.1251/2005 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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PETITIONER:

BENNY KURIAKOSE,
PALATHINKAL GLASS HOUSE,
BETHEL JUNCTION,
CHENGANOOR.

BY ADV. SRI.SANTHAN V.NAIR
SRI.RAJESH PALAMATTAM
SRI.SAJEEVAN KURUKKUTTIYULLATHIL

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

2. M/S GOKULAM CHIT & FINANCE CO. PVT. LTD.,
NO.66, ARCOT ROAD, KODAMBAKKAM,
CHENNAI, REP. BY THE MANAGER,
GOKULAM CHIT AND FINANCE CO. PVT. LTD.,
CHENGANNOOR.

BY P.P. SRI. K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 105 OF 2007

Dated this the 12th day of January, 2007

ORDER

The petitioner faces indictment in a prosecution under Sec.138 of the N.I. Act. The case was filed as early as in 2005. The alleged dishonour of the cheque had taken place on 16/7/05. The petitioner has come to this Court with this petition on 12/1/2007 with a prayer that the powers under Sec.482 of the Cr.P.C. may be invoked to restrain the court from proceeding further in the matter.

2. What is the reason? The learned counsel for the petitioner submits that the court which is seized of the matter has no jurisdictional competence to deal with the matter. Was this contention raised earlier? Why did the petitioner wait till this date (it is submitted that the matter stands posted for trial to this date) to raise this contention before this Court? I find no satisfactory answers forthcoming. I can reckon this only as an attempt to prolong and protract the proceedings. The contention regarding territorial jurisdiction having not

been raised before the learned Magistrate, I find absolutely no reason in the prayer to this Court to entertain that contention at the first instance.

3. I am convinced that the attempt is without merit or bona fides and is a transparent attempt to prolong the proceedings.

4. This Crl.M.C. is, in these circumstances, dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge